

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In the Matter of the Application of

THE CROMWELL GROUP, INC. AND
AFFILIATES, ET AL. (HOCHMAN HAWAII
PUBLISHING, INC., HOCHMAN HAWAII
ONE, INC., HOCHMAN HAWAII TWO, INC.,
HOCHMAN HAWAII THREE, INC. AND
GEORGE HOCHMAN)

10 CV 5210 (DLC)

In the Matter of the Application of

HICKS BROADCASTING OF INDIANA, LLC.,
ET AL. (HOCHMAN HAWAII PUBLISHING,
INC., HOCHMAN HAWAII ONE, INC.,
HOCHMAN HAWAII TWO, INC., HOCHMAN
HAWAII THREE, INC. AND GEORGE
HOCHMAN)

09 CV 7759 (DLC)(MHD)

Related to

UNITED STATES OF AMERICA,
Plaintiff,

41 CV 1395 (DLC)(MHD)

v.

AMERICAN SOCIETY OF COMPOSERS,
AUTHORS AND PUBLISHERS,
Defendant.

CONSENT JUDGMENT

WHEREAS, on October 14, 2004, in the proceeding captioned *In the matter of the Application of Hicks Broadcasting of Indiana, LLC, et al.*, 09 CV 7759, related to *United States v. ASCAP*, 41 CV 1395 (S.D.N.Y.), the Court issued its Final Order ("2004 Final Order") approving the ASCAP 2004 Radio Station License Agreement (the "2004 License"), covering the period January 1, 2001 through December 31, 2009, and providing that "Bound Stations" as defined therein would pay license fees determined in

accordance with the provisions of the Radio Music License Committee's ("RMLC") license fee allocation formula; and

WHEREAS, on January 27, 2012, in the proceeding captioned *In the Matter of the Application of the Cromwell Group, Inc. and Affiliates, et al.*, 10 CV 5210, related to *United States v. ASCAP*, 41 CV 1395, the Court issued its Final Order (the "2012 Final Order") approving the ASCAP 2010 Radio Station License Agreement (the "2010 License"), covering the period January 1, 2010 through December 31, 2016, and providing that "Bound Stations" as defined therein shall be deemed licensed and shall pay license fees in accordance with the provisions of the 2010 License; and

WHEREAS, Hochman Hawaii Publishing, Inc. is the F.C.C. licensee of radio station KONI-FM located in Lanai City, Hawaii; and

WHEREAS, Hochman Hawaii One, Inc. is the F.C.C. licensee of radio station KTOH-FM located in Kalaheo, Hawaii; and

WHEREAS, Hochman Hawaii Two, Inc. is the F.C.C. licensee of radio station KITH-FM located in Kapaa, Hawaii; and

WHEREAS, Hochman Hawaii Three, Inc. is the F.C.C. licensee of radio station KORL-FM located in Waianae, Hawaii; and

WHEREAS, Hochman Hawaii Publishing, Inc., Hochman Hawaii One, Inc., Hochman Hawaii Two, Inc. and Hochman Hawaii Three, Inc. are collectively referred to as "Hochman Hawaii"; and

WHEREAS, George Hochman is the President and majority shareholder of Hochman Hawaii; and

WHEREAS, KONI-FM, KTOH-FM, KITH-FM and KORL-FM are referred to collectively as the "Stations"; and

WHEREAS, the Stations are "Bound Stations" as that term is used in the 2004 Final Order and the 2012 Final Order; and

WHEREAS, for periods through August 31, 2012, pursuant to the 2004 License and 2010 License, Hochman Hawaii owes ASCAP license fees and late payment charges for the Stations in the total amount of \$92,441.57; and

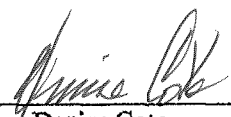
WHEREAS, Hochman Hawaii having failed to pay ASCAP as required by the Stations' 2004 License and 2010 License, ASCAP and Hochman Hawaii previously entered into a Settlement Agreement providing, *inter alia*, that the Court may enter this Consent Judgment upon ASCAP's application to the Judgment Clerk of the Court, and upon presentation of an affidavit of the facts by counsel, for entry of this Consent Judgment;

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

Judgment is entered against Hochman Hawaii Publishing, Inc., Hochman Hawaii One, Inc., Hochman Hawaii Two, Inc. and Hochman Hawaii Three, Inc. and George Hochman, jointly and severally, in the amount of \$92,441.57 plus interest as provided in the Settlement Agreement between the parties, less any amounts paid as shown in an affidavit submitted by ASCAP, plus all reasonable attorneys' fees and costs incurred by ASCAP in connection with the entry of this Consent Judgment, also shown in ASCAP's affidavit, for a total of [\$ 93,775.²⁰], with interest on this judgment amount to be calculated from the date of entry of this Consent Judgment at the rate of 9% (simple

annual interest) pursuant to N.Y. C.P.L.R. §5004. The Clerk of Court shall not close this case.

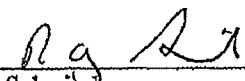
Dated: July 24, 2014
New York, New York


Denise Cote
United States District Judge

We consent to the entry of the foregoing Consent Judgment:

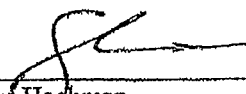
Dated: 10/24/2012

**AMERICAN SOCIETY OF
COMPOSERS, AUTHORS AND
PUBLISHERS**

By: 
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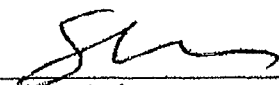
Dated: 10/21/12

**HOCHMAN HAWAII PUBLISHING, INC.,
HOCHMAN HAWAII ONE, INC.,
HOCHMAN HAWAII TWO, INC. AND
HOCHMAN HAWAII THREE, INC.**

By: 
George Hochman
President
4339 Kalaheo Drive
Kalaheo, Hawaii 96741
Phone: (808) 332-0119
Email: gh5512@aol.com

Dated: 10/21/12

**GEORGE HOCHMAN
(PERSONALLY)**

By: 
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